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October 2, 2012

Magistrate Judge Cheryl L. Pollak
Chambers Room 1230
Via Fax (718) 613-2365
Via ECF

Re: Docket No. 12-cv-1857 (FB) (CLP); *Joel Lowy v. American National Insurance Company*; U.S. District Court, Eastern District of New York

Dear Judge Pollak:

This matter is set for a status conference on Thursday October 4, 2012 at 8:00 a.m. Defendant asks that the status conference for October 4, 2012 be adjourned for two weeks. Defendant's counsel from Galveston, Texas, who attended the last conference and will be attending the upcoming status conference, asks for this continuance. His wife is scheduled for surgery (removal of gall bladder) today. Defendant's counsel seeks a continuance so that he does not have to leave his home so soon after surgery.

Furthermore, this case is settling and the settlement agreement should be finalized within the next week. I have not been able to contact opposing counsel but it is my understanding counsel is observing Jewish holidays. The recent Jewish holidays have slowed things up a bit. Although I have not been able to reach opposing counsel for Plaintiff's position on this application, we believe they consent. Attached is a proposed order which Defendant prays is acceptable to the Court.

Respectfully submitted,

/s/ Steve Windsor from Greer, Herz & Adams
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District Court, Eastern District of New York

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Counsel for Defendant American National Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOEL LOWY,)
Plaintiff)
-vs-) Case No. 12 CV 1857 (FB) (CLP)
AMERICAN NATIONAL INSURANCE)
COMPANY,)
Defendant.)

ORDER

Before the Court is the Defendant's request for continuance of the status conference scheduled for October 4, 2012. The Court has reviewed the request and finds it has merit. It is, therefore,

ORDERED that the October 4, 2012 status conference is adjourned, and,

ORDERED that a status conference is set for October _____, 2012 at _____ am/pm.

DONE this _____ day of October, 2012.

CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE